

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TANIKA McCOTTER,

Plaintiff,

v.

AZ MOBILE APPLICATIONS, LLC,

Defendant.

No. 2:20-cv-00951 KJM AC PS

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. (“Local Rule”) 302(c)(21). Plaintiff filed a complaint on May 11, 2020. ECF No. 1. Plaintiff’s counsel withdrew on November 10, 2020, and plaintiff was given 45 days to retain new counsel. ECF No. 18. On September 21, 2022, District Judge John A. Mendez, noting that no action had been taken in this case, designated plaintiff a pro se litigant and referred the case to the undersigned for all further proceedings. ECF No. 19. Plaintiff has taken no action in this case for nearly two years. Accordingly, on September 28, 2022 the undersigned ordered plaintiff to file a status report no later than October 19, 2020. ECF No. 22. The court cautioned plaintiff that if she did not respond, the undersigned would recommend dismissal for failure to prosecute. *Id.* Plaintiff did not respond. Plaintiff has not responded to the court’s orders, nor taken any action to prosecute this case.

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1 Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without
2 prejudice, for lack of prosecution and for failure to comply with the court's order. See Fed. R.
3 Civ. P. 41(b); Local Rule 110.

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one
6 (21) days after being served with these findings and recommendations, plaintiff may file written
7 objections with the court. Such document should be captioned "Objections to Magistrate Judge's
8 Findings and Recommendations." Local Rule 304(d). Failure to file objections within the
9 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
10 F.2d 1153 (9th Cir. 1991).

11 DATED: October 31, 2022


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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